

REMARKS

Reconsideration is requested.

Claims 4, 5 and 7-27 are pending. Claims 10-14 and 16 have been withdrawn from consideration by the Examiner. Claims 5 and 27 has been canceled above, without prejudice, and claim 28 added. Claim 28 finds support, for example, on page 1 of the specification. No new matter has been added.

Claim 18 has been further amended above to include the details of the copolymer recited in claim 19, which is dependent from claim 18, and previously considered. The preamble of claim 18 has also been amended to further specify that the claimed solution, in practice, is useful in, for example, the patch of the disclosure. No new mater has been added. The amendments are not believed to raise new issues requiring further search and/or consideration. Entry of the amendments is requested.

The Section 112, first paragraph, rejection of claim 27 will be moot upon entry of the above amendments.

The Section 112, second paragraph, rejection of claims 2-9, 15 and 17-27 stated on pages 3-4 of the Office Action dated September 24, 2003 (Paper No. 18) is traversed. Reconsideration and withdrawal of the rejection are requested in view of the above and the following comments.

The claims clearly recite the subject matter which the applicants' regard as their invention. The applicants' characterization of the claimed composition as an "anhydrous composition" on page 3 of the Amendment of November 6, 2000 may be considered to not be supported by the disclosure, to the extent "anhydrous" may be

interpreted to require active steps to exclude water. Examples 1-3 of the specification referred to in the Amendment do not include an indication that the solutions of the Examples were prepared in a manner such that water was excluded. Moreover, one of ordinary skill may likely believe that as these solutions are open to the air and that the solutions which were used to make the claimed solution were not specifically indicated as being "anhydrous", the products of the Examples likely contained at least a minimal amount of absorbed moisture. The solutions of the Examples, and the claimed invention, therefore may contain minor amounts of moisture or water.

As water is not added to the solutions of the claimed invention, as described and exemplified in the application, and as the claimed compositions are "solutions" of organic solvents and polymers (as opposed to heterogeneous mixtures), the applicants believe one of ordinary skill in the art will appreciate that the claimed solutions do not contain an appreciable or substantial amount of water. That is, the addition of an appreciable or substantial amount of water to the claimed composition, which contains 20% to 60% hydrophobic polymer, would not form a solution, as required by the claims. Such an amount of water would therefore be contrary to the claimed invention.

The claims are definite and the previous and above explanation regarding the amount of water present are consistent with the understandings of one of ordinary skill in the art.

Withdrawal of the Section 112, second paragraph, rejection is requested.

Claim 5 has been canceled above, without prejudice, to advance prosecution. Entry of the above amendments and withdrawal of the Section 112, second paragraph, rejection of claim 5 stated on page 4 of Paper No. 18 are requested.

The Section 103 rejection of claims 2-9, 15, 17-22, 25 and 26 over Higo (WO 96/16642, as interpreted by U.S. Patent No. 5,866,157) is traversed. Reconsideration and withdrawal of the rejection are requested in view of the following distinguishing comments.

The present invention provides a colorless solution intended to be used for the preparation of supports and, in particular, cosmetic devices convenient for instantaneous cleansing and care of the skin. The preferred embodiment of device is the patch.

For one of ordinary skill in the art, the wording "patch" means a device having a composite structure which generally includes an active material. The composite structures of patches are known to be maintained by an adhesive composition applied to the skin to be treated. This adhesiveness is generally achieved by the presence on such a patch of an adhesive layer .

In the case of the presently claimed invention, the applicant focused on a patch having a specific adhesiveness. In contrast to prior patches, the support according to the presently claimed invention, must exhibit an adhesiveness for only a short amount of time on the surface of the skin. The solution of the presently claimed invention provides therefore an adhesiveness which is to be only temporarily applied.

The problem considered and solved according to the present invention was thus to discover a combination of material which could provide sufficient adhesiveness on the one hand, to maintain the support on the skin for 15 seconds to 20 minutes and preferably from 15 seconds to 10 minutes, i.e., to prevent instantaneous and premature

removal and, on another hand, to be convenient to remove without discomfort for the user.

The applicant has discovered that the use of specific hydrophobic polymers, as defined in the claims, make possible a solution with the desired properties.

The polymers of the invention are included in the claimed solution in order to exhibit, after evaporation of the organic solvent of the claimed solution, an adhesiveness of between 150 and 800 gm/cm² on the skin, making the properties of a patch containing the solution capable of being easily removed while also allowing for care of the skin.

The presently claimed invention therefore relates to a discovery of an efficient adhesive support which could be made with the desired properties from the recited polymers, i.e. having an adhesiveness greater than 150 g/cm² for sufficient adhesiveness of the support on the skin (wherein the adhesive support is obtained by impregnating or coating a support with the claimed solution and subsequent evaporation of the organic solvent of this solution), and an adhesiveness lower than 800 g/cm² to provide for a comfortable removal of the patch after no more than 30 minutes of application on the skin.

The applicants believe it will be clear to one of ordinary skill in the art that the adhesiveness obtained on a support, from the claimed solution, is not a support which one would apply to the skin for several hours, such as may be required for the topical and/or subcutaneous administration of an active material.

With specific regard to the cited art, the applicant submits that the cited patent provides a matrix type patch formulation having an adhesive layer, which are mainly

believed to be used, and therefore designed to be used, for administering physiological active substance continuously into the circulating blood (see column 6, lines 29-30). Such patches are designed to provide prolonged adhesiveness for an extended period of time, such as on the scale of several hours (i.e., 24 hours in the Test Example 2 of the cited patent (see, column 17, lines 41-43 of the patent)).

The formulation of the cited patent includes an amount of no lower than 10% (weight/weight) of a tackifying resin to achieve this result.

The composition of the presently claimed solution is therefore contrary to the teaching of the cited art in that the art is interested in producing a patch with a greater adhesiveness than obtainable with the presently claimed invention.

Moreover, the adhesive of the cited patent will be recognized as not providing adhesive and skin cleansing properties, such as are provided by the presently claimed invention.

The secondary patent cited by the Examiner (i.e., U.S. Patent No. 5,238,944) is believed to related to pharmaceutical formulations for the topical or transdermal delivery of drugs, which should also require an adhesive coating exhibiting a strong adhesiveness to maintain the same on the skin for a sufficient time to produce the desired delivery effect.

Accordingly, the second patent cited by the Examiner is also not concerned with the problem considered and solved according to the present invention, i.e. the selection of specific polymers for preparing a solution convenient for conferring specific adhesiveness to a support for cleansing purpose with respect to the skin.

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For all of the above reasons, the pending and above-amended claims are submitted to be patentable over the cited art. Withdrawal of the Section 103 rejection is requested.


The applicants again request an interview with the Examiner in the event any further issues remain.

The Examiner is requested to contact the undersigned to arrange an interview at a time convenient for the Examiner and the Examiner's supervisor.

Respectfully submitted,

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